

IN THE SENATE

SENATE BILL NO. 1358

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO RECREATIONAL ACTIVITIES AND REGISTRATION FEES; AMENDING SECTION 67-7122, IDAHO CODE, TO REVISE A DATE AND A REGISTRATION FEE AND TO REVISE A RENEWAL FEE; AMENDING SECTION 67-7126, IDAHO CODE, TO REVISE A FEE REFERENCE AND TO PROVIDE THAT THREE DOLLARS FROM A REGISTRATION FEE SHALL BE DEPOSITED INTO THE OFF-HIGHWAY VEHICLE LAW ENFORCEMENT FUND.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-7122, Idaho Code, be, and the same is hereby amended to read as follows:

67-7122. REQUIREMENTS -- REGISTRATION -- PROCEDURE. (1) On or before January 1 of each year, the owner of any all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle as defined in section 67-7101, Idaho Code, or any motorcycle as defined in section 49-114, Idaho Code, used off public highways, on highways located on state lands or federal lands which are not part of the highway system of the state of Idaho or on highways as prescribed in section 49-426(3) and (4), Idaho Code, but excluding those vehicles used exclusively on private land for agricultural use or used exclusively for snow removal purposes as provided in section 49-426(2), Idaho Code, shall register that vehicle at any vendor authorized by the department. Effective January 1, 2010~~1~~, a fee of ~~twelve~~ fourteen dollars (\$~~12~~14.00) shall be charged for each registration, which fee includes a one dollar and fifty cent (\$1.50) fee to be retained by the vendor and the remainder of which shall be remitted to the department together with a duplicate copy of the application form, noting the number of the registration sticker issued.

(2) At the time of sale from any dealer, each motorbike, all-terrain vehicle or utility type vehicle sold to an Idaho resident, but excluding those vehicles to be used exclusively on private land for agricultural use or used exclusively for snow removal purposes as provided in section 49-426(2), Idaho Code, must be registered.

(a) Application blanks and registration stickers shall be supplied by the department and the registration sticker shall be issued to the person making application for registration.

(b) All registration stickers which are issued shall be in force through December 31 of the issued year. All registration stickers shall be renewed by the owner of the all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle in the same manner provided for in the initial securing of the same or with any vendor authorized by the department. A vendor issuing a renewal registration sticker shall retain a one dollar and fifty cent (\$1.50) vendor fee and remit the remainder of the ~~twelve~~ fourteen dollar (\$~~12~~14.00) renewal registration sticker fee to the department together

1 with a duplicate copy of the application form, noting the number of the  
2 registration sticker issued.

3 (c) The issued registration sticker shall be placed upon the restricted  
4 vehicle license plate of the all-terrain vehicle, motorbike or  
5 utility type vehicle, or upon the right fork of a vehicle registered  
6 pursuant to section 49-402(3), Idaho Code, or of a motorbike if used  
7 exclusively off-highway, or upon the rear fender of an all-terrain  
8 vehicle, specialty off-highway vehicle or utility type vehicle if used  
9 exclusively off-highway. The placement shall be made in such a manner  
10 that it is completely visible, does not cover the license plate numbers  
11 or letters, if licensed, and shall be kept in a legible condition at all  
12 times.

13 (3) For operation of a motorbike that meets the requirements specified  
14 in section 49-114(10), Idaho Code, on the public highways, the vehicle  
15 shall also be registered pursuant to the provisions of section 49-402(3),  
16 Idaho Code. A motorbike that meets the requirements specified in section  
17 49-114(10), Idaho Code, and that is registered pursuant to section  
18 49-402(3), Idaho Code, shall not be required to obtain a restricted license  
19 plate pursuant to section 49-402(4), Idaho Code. A motorbike, all-terrain  
20 vehicle, specialty off-highway vehicle or utility type vehicle operated  
21 exclusively off-highway or on highways located on state lands or federal  
22 lands which are not part of the highway system of the state of Idaho and that  
23 meet the registration requirements specified in this section shall not be  
24 required to obtain a restricted vehicle license plate pursuant to section  
25 49-402(4), Idaho Code.

26 (4) Nonresidents shall be allowed to purchase a restricted vehicle  
27 license plate pursuant to section 49-402(4), Idaho Code, and/or a sticker  
28 for an all-terrain vehicle, motorbike or utility type vehicle.

29 SECTION 2. That Section 67-7126, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 67-7126. ESTABLISHMENT OF ACCOUNT -- DISTRIBUTION OF FEES. There  
32 is established in the state treasurer's office an account to be known and  
33 designated as the "motorbike recreation account." The ~~twelve~~ fourteen  
34 dollar (\$~~12~~14.00) fee collected for off-highway vehicle registration  
35 stickers shall be allocated as follows:

36 (1) Vendors shall charge and retain one dollar and fifty cents (\$1.50)  
37 for a handling fee;

38 (2) Up to fifteen percent (15%) shall be allotted to the department  
39 for administration and for the production of registration stickers, which  
40 moneys shall be placed in the motorbike recreation account. The department  
41 shall annually publish a report specifically identifying the uses of account  
42 moneys;

43 (3) ~~One~~ Three dollars (\$~~1~~3.00) shall be deposited into the off-highway  
44 vehicle law enforcement fund. Moneys in said fund shall be paid and used as  
45 follows:

46 (a) Sheriffs of counties with a current or an actively developing  
47 off-highway vehicle law enforcement program recognized by the  
48 department shall receive moneys from the fund based upon a formula  
49 as provided in rule promulgated by the board; and

1 (b) Moneys from the fund shall be used only for off-highway related law  
2 enforcement activities; and

3 (4) One dollar (\$1.00) shall be allocated to the Idaho department of  
4 lands to provide off-highway vehicle opportunities and to repair damage  
5 directly related to off-highway vehicle use. The department of lands shall  
6 annually publish a report specifically identifying the uses of moneys  
7 allocated pursuant to this subsection; and

8 (5) The remaining funds shall be transmitted to the state treasurer's  
9 office for deposit to the credit of the motorbike recreation account, all  
10 such moneys to be transmitted to the state treasurer on or before the tenth  
11 day of each month.

12 Collection of fees for off-highway vehicle registration shall not impose  
13 any additional liability on the state of Idaho or any of its political  
14 subdivisions or upon the employees of the state and of its political  
15 subdivisions, and those entities and persons shall retain the limitations of  
16 liability provided by section 36-1604, Idaho Code, regardless of the use of  
17 such fees.